

IN THE CLAIMS:

Please cancel claims 47 and 55-61 without prejudice or disclaimer.

Please substitute the following amended claims 41, 46 and 62 for the pending claims having the same claim numbers:

41. (Amended) An isolated nucleic acid encoding a streptococcal choline binding protein; wherein the protein is expressed by *Streptococcus pneumoniae* and has the following characteristics:

- C1
- a) choline-binding activity;
 - b) elution from a chromatographic column in the presence of about 10% choline;
 - c) being reactive with sera from patients infected or recovering from infection with the bacteria;
 - d) being labeled by fluorescein isothiocyanate (FITC) without requiring streptococcal lysis; and
 - e) comprising an amino acid sequence selected from the group consisting of SEQ ID NO:1, and SEQ ID NO: 9.

C2

46. (Amended) An oligonucleotide capable of screening for a nucleic acid encoding a streptococcal choline binding protein, wherein the nucleotide is capable of hybridizing with the nucleic acid encoding an amino acid of SEQ ID NO: 1 or SEQ ID NO: 9.

C3

62. (Amended) A nucleic acid that is substantially homologous to the nucleotide sequence of SEQ ID NO: 24.
